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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,357	04/18/2001	Koji Kato	01242/LH	8889

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT PAPER NUMBER

2615

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/837,357	<b>Applicant(s)</b> KATO ET AL.	
	<b>Examiner</b> Yogesh K. Aggarwal	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 11, 12, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 2005/0041137 to Ezawa et al.), (USPN 6,031,998 to Shono) and in further view of Kimura et al. (US Patent # 5,008,757).

In regards to claim 11 Ezawa discloses an electronic camera comprising:

a photographic lens configured to form an object (e.g., element 145 of Fig. 14);

an image sensing element configured to photoelectrically convert the formed object image (e.g., element 175 of Fig. 13, wherein this element is also shown in Fig. 14 but is not labeled);

an optical filter disposed between the photographic lens and the image sensing element (e.g., element 185 of Fig. 14);

a focal-plane shutter disposed between the photographic lens and the optical filter to mechanically interrupt incident light to the image sensing element (e.g., element 165 of Fig. 14).

a holding frame configured to surround the image sensing element (e.g., element 173 of Fig. 14).

Ezawa does not disclose the holding frame is configured to also surround the optical filter and to form a closed space between the image sensing element and the optical filter.

Shono discloses in Fig. 1 a similar image pickup unit as that illustrated in Fig. 14 of Ezawa. Examiner notes the description on column 3, lines 41-64 of Shono wherein Shono additionally has a sealing member 21 which makes an airtight seal such that foreign matter such as dust cannot enter the sealing member and therefore no foreign matter sticks to the surface of the filter. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the sealing member 21 of Shono such that foreign matter such as dust cannot enter the sealing member and stick to the surface of the filter.

Ezawa in view of Shono fail to teach a stop device configured to limit the amount of light beam incident on the image sensing element; a stop controller configured to form a set value of the aperture area of the stop device; a shutter controller configured to form a set value of the shutter speed of the shutter; and an exposure controller configured to operate the shutter in different modes in accordance with the set value of the aperture area of the stop, even when the set value of the shutter speed remains the same, thereby obtaining a predetermined exposure time.

However Kimura et al. teaches a stop within a lens 8 (figure 1) configured to limit the amount of light beam incident on the image sensing element and a stop controlling circuit (7) controlling the aperture of the stop, a shutter controller (9) configured to form a set value of the shutter speed of the shutter. Kimura further teaches an exposure controller (CPU 1) configured to operate the shutter in different modes in accordance with the set value of the aperture area of the stop thereby obtaining a predetermined exposure time (e.g. in a preferential diaphragm exposure

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mode, CPU 1 reads the diaphragm stop value reader 70 that sets a value for the lens diaphragm 8 and based on that value determines the shutter speed for the exposure calculation thereby obtaining a predetermined exposure time  $T_o$  or  $T_o/2$  depending upon whether sensitivity is off or on, col. 3 lines 3-27). Kimura also teaches a manual mode in which the n the manual exposure mode, the diaphragm stop value obtained from the stop value reader 70 and the shutter speed obtained from a shutter speed setting circuit 29 are used for exposure without change (col. 3 lines 38-43) and therefore reads on setting the exposure value of the focal plane shutter in accordance with stop value even if the shutter value remains the same.

Therefore taking the combined teachings of Ezawa, Shono and Kimura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a stop device configured to limit the amount of light beam incident on the image sensing element; a stop controller configured to form a set value of the aperture area of the stop device; a shutter controller configured to form a set value of the shutter speed of the shutter; and an exposure controller configured to operate the shutter in different modes in accordance with the set value of the aperture area of the stop, even when the set value of the shutter speed remains the same, thereby obtaining a predetermined exposure time in order to automatically reduce the longest exposure time of the solid-state image sensor so that the photographer can operate the photographing operation without concern for the exposure time in case of a sensitivity increase.

In regards to claim 12 Ezawa discloses the camera further comprises a light guiding device disposed between the photographic lens and the optical filter to guide incident light from an object, which is incident from the photographic lens, to a first optical path to the image

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sensing element and a second optical path different from the first optical path (e.g., element 149 of Fig. 12).

In regards to claim 15 Ezawa discloses the light guiding device comprises an optical path switching device configured to switch first and second states in which the incident light is output to the first and second optical paths, respectively (e.g., element 149 is a movable mirror; paragraph 0055).

In regards to claim 16 Ezawa discloses the optical path switching device comprises a movable mirror (e.g., paragraph 0055).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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YKA

December 4, 2005

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER